

AUG 02 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT
OFFICIAL

APPLICANT : PAULSEN, Mark W.
SERIAL NO : 10/037,113
FILED : October 22, 2001
TITLE : COMBINED BALER AND RAKE APPARATUS

Grp./A.U. : 3671
Examiner : PETRAVICK, Meredith C.
Conf. No. : 5983
Docket No. : P02248US02

DECLARATION OF CHRIS HERBOLD UNDER 37 C.F.R. § 1.132

Background.

1. I, Chris Herbold, live at 8097 N 59th Ave W, Mingo, Iowa, 50168. My telephone number is 515-674-3683.
2. I do not know and have never met Mr. Mark W. Paulsen, the inventor of the Combined Balers and Wheel Rake apparatus.
3. I have a Bachelor of Science degree from Iowa State University in Farm Operations. I obtained my Farm Operations degree in 1977.
4. I have actively farming for 27 years. During that time, I have grown corn, beans, and alfalfa hay and I have raised hogs and cattle. For the last 27 years, I have baled alfalfa hay, various grasses, and corn stalks. Most of the baling I have done is for our own livestock needs. For the past few years, I have started selling hay bales to other livestock growers.
5. The best way to become skilled in baling is through actual experience operating the tractor and baler and rakes. Actual experience is the best way because you have to develop a feel for

the weather and crop conditions. You need to get experience to know when the crop is at the best moisture level to bale.

6. I have examined the Lewis (U.S. Patent No. 5,404,702), Buck (U.S. Patent No. 4,753,063), and Allen (U.S. Patent No. 4,932,197) references and understand the technology described therein.
7. After reviewing Lewis, Buck, and Allen, they did not suggest to me to attach a wheel rake onto the frame of a baler. Lewis only suggested power rakes to me, and not wheel rakes, because the ultra-wide rake shown in Lewis is not used in places like Iowa. Ultra-wide rakes, like those used in Lewis, are used in areas like Wyoming or Texas where only hay, not corn stalks, are being raked and baled. In places like Wyoming and Texas, the hay is not as dense as in Iowa and it takes a much wider raking swath to properly feed the baler. Lewis only shows using power rakes. Lewis does not show wheel rakes or how to easily interchange wheel rakes with the power rakes shown. The frame for wheel rakes needs to be significantly different than the frame for powered rakes. I have never seen wheel rakes mounted onto a power rake frame.
8. Lewis does not suggest to me how to add wheel rakes without significantly lengthening the rake-baler implement. The teaching of Buck does not help me because Buck did not teach or suggest to me to move the vertically folding wheel rake from the front of the tractor to the tongue of the baler. Buck clamps the wheel rake onto the front weight bracket of the tractor. Buck does not teach me how to attach hydraulically folding wheel rakes onto the tongue of a baler.

9. Buck has numerous problems: With the low clearance of the tractor drawbar, I think there would be problems with the corn stalks or other plant material getting caught underneath the tractor and bunching up.
10. I think Buck presents safety problems as well. When the wheel rakes are folded up, they partially block the forward view of the tractor operator. In contrast, when the wheel rake mounts onto the frame of the baler, the tractor operator has a clear forward view and the operator only needs to the rear of the tractor for both the rake and the baler.
11. Tractors need substantial weight on the front end. I typically add around 700 lbs. of free weights to the front end of my tractor in order to improve the tractor's pulling performance through the field. With the wheel rake mounted on the front end of the tractor as in Buck, I could not attach my weights. I think the tractor's pulling ability may be adversely affected by this.
12. Tractors operate better when pulling implements rather than pushing implements. A wheel rake mounted on the frame of the baler that is being pulled will operate more smoothly through the field than pushing a wheel rake in front of the tractor.
13. I think adding a wheel rake to the frame of a baler improves baling productivity because it would reduce the number of passes that I would have to travel through a field. This would save me time and fuel.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code

and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Date 1-30-04

Chris Herbold
Chris Herbold